The Army's "Pregnancy Policies"
A Review

Women In The Army

...Serving a Nation at War

The Army's "Pregnancy Policies": Historical Overview

- **In 1951, Pres. Truman authorized the Services to involuntarily discharge women due to pregnancy**
- **Prior to early 1970s, Services routinely discharged women involuntarily for pregnancy or adoption of minor children**
  - Also permitted a voluntary discharge to uniformed women for marriage (not provided for uniformed men)
  - Did not authorize uniformed women any entitlements due to family ("dependent") status, such as non-military spouses
- **In 1972, concurrent with All Volunteer Force establishment, DOD authorized provisions to permit Services to retain uniformed women parents on a case-by-case basis**
  - Subsequent lawsuits included 1973 Supreme Court ruling in favor of providing military women family-related entitlements and 1976 2nd Circuit Court decision indicating involuntary pregnancy discharges violated 5th Amendment
- **By 1975, DOD mandated the end of involuntary separations due to pregnancy or parenthood**
- **Therefore, the Army does not have any policy that prohibits or restricts the pregnancy of married or unmarried Soldiers**

The Army's "Pregnancy Policies": Current Policies

Although the Army does not have a "pregnancy policy," there are pregnancy-specific components in several policy areas.

Subject	*Basic Facts*	*References*
Retention or separation	Soldiers may choose to remain in the Service or separate.	AR 635-200, paragraphs 1-16, 1-36, 5-11, and 6-3; chapter 8
	Officers may choose to remain in the Service or request release from active duty; those officers with obligations due to schooling, incentive pay or funded programs are not eligible for release until completion of Service obligation.	AR 600-8-24, paragraphs 2-13, 2-14, 3-11, and 3-12; tables 2-5 and 3-4; and figures 2-2 and 2-3
Maternity care	A soldier remaining on active duty will receive care in an MTF or civilian facility if no military maternity care is available within 50 minutes of where the soldier works and resides. Soldiers separating are authorized treatment only in an MTF that has maternity care. They are not authorized care in a civilian treatment facility at Government expense.	AR 40-400, paragraphs 2-2 and 2-8 AR 40-400, paragraph 3-39
Family planning services	Eligible upon request at MTFs	AR 40-400, paragraph 2-17
Abortions	Only performed when the life of the mother is in danger	AR 40-400, paragraphs 2-18 and 3-39

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Leave	Soldiers may request ordinary, advance, or excess leave in order to return home or to another appropriate place for the birth, or to receive other maternity care. Care must be received at an MTF, or the soldier must get a non- availability statement (NAS) from the treatment facility prior to leaving the area. If the soldier fails to do this, she will be liable for the expenses incurred for her care. Leave is at the discretion of the command. Such leave will terminate with admission to the treatment facility for delivery. Nonchargeable convalescent leave for postpartum care is limited to the amount of time essential to meet medical needs, normally 42 days.	AR 600-8-10, paragraphs 4-27, 4-28, 5-3, 5-5, 5-6, 5-7, and 5-13; tables 4-14, 5-3, and 5-4
Clothing and uniforms	Military maternity uniforms will be provided to enlisted soldiers. Officers may purchase. Soldiers cannot be required to purchase PT uniforms of a larger size.	AR 670-1, chapters 4, 9, 11, and 17; paragraphs 1-6, 1-9, 1-10, and 14-6 AR 700-84, paragraph 4-9 AR 670-1, paragraph 14-6

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Basic Allowance Subsistence (BAS) and Basic Allowance for Housing (BAH)	BAH with dependents is authorized for single soldiers after the birth of the child. BAH without dependents is authorized when the pregnant soldier moves off-post. Check with your 1SG for information regarding your installation's policy on when you're authorized to move out of the barracks. Check with military housing for government quarters availability.	AR 210-50, paragraph 3-6e, 3-8e, 3-8p, 3-36b; Department of Defense (DOD) Financial Management Regulation 7000.14-R Vol. 7A CH 26
Assignments	Except under unusual circumstances, the soldier should not be reassigned to overseas commands until her pregnancy is terminated. If assigned overseas, the soldier will remain overseas. She may be reassigned within the continental U.S. (CONUS). Medical clearance must be obtained prior to any reassignment. Soldiers will be considered available for worldwide deployment 4 months after giving birth.	AR 614-30, paragraphs 3-3 and 5-3; table 2-1, Nos. 13 and 14; table 3-1, Nos. 31-33; and table 3-2, Nos. 1d and 1e; DoD Directive
Deployment	Female Soldiers will submit to urine pregnancy test within 1 month prior to deployment	Memo, DASG-HS, 21 Jan 03

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Involuntary separation for unsatisfactory performance, misconduct, or parenthood	If unsatisfactory performance or conduct warrants separation, or if parenthood interferes with duty performance, you may be separated even though you are pregnant.	AR 635-200, paragraphs 5-8, 11-3, and 13-2; and figure 8-1
Family care counseling	Single parents or dual military couples must have an approved Family Care Plan (FCP) on file. The plan must state actions to be taken in the event of assignment to an area where dependents are not authorized, or upon absence from the home while performing military duty. Failure to develop an approved care plan will result in a bar to reenlistment.	AR 600-8-24, tables 2-5 and 3-4 AR 600-20, paragraph 5-5 AR 601-280, paragraph 8-4 AR 635-200, paragraphs 8-9 and 8-10; and figure 8-1
Weight Control and Standards	Pregnancy invokes some special considerations in the AWCP. Pregnant soldiers are exempt from body composition testing until 6 months after	AR 40-501, paragraph 7-13 AR 600-9, paragraphs 21 and 22

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Skill and Occupational Hazards	The intent of these provisions is to protect the fetus while ensuring productive use of the soldier. A physician will confirm pregnancy and once confirmed will initiate prenatal care of the soldier and issue a physical profile. An occupational history will be taken at the first visit to assess potential exposures related to the soldier's specific MOS. Examples include but are not limited to hazardous chemicals, ionizing radiation, and excessive vibration. If the occupational history or industrial hygiene sampling data indicate significant exposure to physical, chemical, or biological hazards, then the profile should be revised to restrict exposure from these workplace hazards.	AR 40-501, 7-9

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Pregnancy and postpartum PT	Uncomplicated pregnancy does not preclude you from participating in a modified PT program. Pregnant and postpartum soldiers are encouraged to participate in pregnancy PT programs where available. Before participating in PT, the soldier must obtain the profiling officer's approval. Participation in PT is guided by the soldier's profile as well as any other limitation set by her health care provider. Postpartum soldiers are exempt from the Army Physical Fitness Test (APFT) for 180 days after termination of the pregnancy. A postpartum soldier will be issued a postpartum profile for 45 days beginning on the day of delivery or termination of the pregnancy; such a profile allows PT at the soldier's own pace.	AR 40-501, paragraphs 7-9 and 7-10; DOD Directive (DODD) 1308.1, 4.3.2; and Field Manual (FM) 20-21
Additional duties	Pregnancy does not preclude a soldier from performing additional duties such as CQ/SDNCO/SDO. At 20 weeks there are some duty limitations. After the 28th week of pregnancy, when the soldier's workweek is limited to 40 hours, these	AR 40-501, paragraphs 7-9 and 7-10

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Ongoing Actions & Initiatives

- "Personal Responsibility" Training. A 2-year research study developed by USA CHPPM targeting unintended pregnancy prevention

- Pregnancy Physical Training Program. G3-implemented program designed to increase the health and welfare of pregnant soldiers, thereby enhancing their return to full duty status

Summary

Army policies with respect to pregnancy remain general in nature, reflective of DoD guidance, and are designed to protect both the rights of women soldiers as well as the organization.